

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	
)	
David William Karvis	)	Case Number: 20-40130-169
)	
Debtor)	
	)	Chapter 13
Select Portfolio Servicing, Inc as servicer for)	
U.S. Bank Trust Company, National	)	Motion to Lift Stay filed by
Association, as Trustee, as successor-in-	)	Select Portfolio Servicing, Inc as servicer for
interest to U.S. Bank National Association,	)	U.S. Bank Trust Company, National
successor trustee to LaSalle Bank National	)	Association, as Trustee, as successor-in-
Association, on behalf of the holders of Bear	)	interest to U.S. Bank National Association,
Stearns Asset Backed Securities I Trust	)	successor trustee to LaSalle Bank National
2007-HE3, Asset-Backed Certificates Series	)	Association, on behalf of the holders of Bear
2007-HE3	)	Stearns Asset Backed Securities I Trust 2007-
	)	HE3, Asset-Backed Certificates Series 2007-
Movant	)	HE3
)	
vs.)	
	)	Millsap & Singer, LLC
David William Karvis	)	612 Spirit Drive
	)	St. Louis, MO 63005
Debtor	)	(636) 537-0110
)	
Audra A. Karvis	)	Hearing Date: January 7, 2025
	)	Hearing Time: 10:00 AM
Co-Debtor	)	Objection Deadline: December 31, 2024
)	
and)	
)	
Diana S. Daugherty)	
)	
Trustee)	
Respondents)	

NOTICE OF HEARING AND
MOTION FOR RELIEF FROM AUTOMATIC STAY,
RELIEF FROM CO-DEBTOR STAY, OR
IN THE ALTERNATIVE, TO DISMISS

WARNING: THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE BY

DECEMBER 31, 2024. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU.

IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. THE DATE IS SET OUT ABOVE. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS. THE HEARING TO BE HELD ON THE DATE AND TIME ABOVE BEFORE THE HONORABLE BONNIE L. CLAIR, IN THE UNITED STATES BANKRUPTCY COURT, EASTERN DISTRICT OF MISSOURI, THOMAS F. EAGLETON U.S. COURTHOUSE, 111 SOUTH TENTH STREET, FLOOR 7, SOUTH COURTROOM, ST. LOUIS, MO 63102.

COMES NOW, Select Portfolio Servicing, Inc as servicer for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3 and for its Motion for Relief from Automatic Stay, Relief from Co-Debtor Stay, or, in the Alternative, to Dismiss states as follows:

1. On January 10, 2020, Debtor filed a Petition under Chapter 13 of the Bankruptcy Code. Diana S. Daugherty is the duly appointed and qualified Trustee in this case.

2. Select Portfolio Servicing, Inc as servicer for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3 is the holder of a secured claim in this proceeding by virtue of one Promissory Note dated January 26, 2007 in the original principal amount of \$104,800.00. A copy of said Note has been electronically attached to this document as Exhibit A and is made a part hereof by this reference.

3. Said Note is secured by a Deed of Trust dated January 26, 2007 and recorded in Book 17459, Page 3998 constituting a first lien on real estate owned by the Debtor. Said property being commonly known as 1715 Crosby Lane, Florissant, MO 63031; more particularly described as follows:

LOT 49 OF LOCKBRIAR, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 73 PAGE 6 OF THE ST. LOUIS COUNTY RECORDS.

A copy of said Deed of Trust, which is recorded in the St. Louis County Recorder of Deeds Office, has been electronically attached to this document as Exhibit B and is made a part hereof by this reference.

4. Movant seeks to enforce said Note and Deed of Trust as by law allowed. No creditor or Trustee of the estate has any interest in said realty superior to the rights of Movant.

5. This Court previously entered its Order pursuant to 11 U.S.C. Section 362(a) and 1301(a) prohibiting, among other things, any act to enforce any lien against the property of the estate and any act to obtain possession of property of the estate.

6. Select Portfolio Servicing, Inc. services the underlying mortgage loan and note for the property referenced in this Motion for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3 (the "Noteholder") and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/or set aside by Order of this Court or if this case is dismissed or if a discharge is obtained by the Debtor and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of the Noteholder. Noteholder has the right

to foreclose because: Noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

7. As of November 15, 2024, the current pay off on said note is as follows:

Principal	\$96,405.50
Interest	\$1,888.07
Late Charges	\$176.96
Escrow	\$828.93
NSF Charges	\$20.00
Suspense	(\$914.63)
Total Fees	\$8.57
 Total Pay Off	 \$98,413.40

8. The Chapter 13 Plan filed by the Debtor calls for treatment of the secured claim with payments being made by the Debtor. Monthly post petition payments are owing and delinquent from October 1, 2024, to the present. The following are the payments that are delinquent as of November 15, 2024:

2 payments @ \$794.53	\$1,589.06
Suspense	(\$418.95)
 Total Arrearages	 \$1,170.11

The next payment under the terms of the Note has come due on December 1, 2024, and is in the amount of \$1,589.06. A post-petition payment history has been electronically attached to this document as Exhibit C and is made a part hereof by this reference.

9. The aforesaid realty has depreciated in value while in possession of the Debtor. There is no equity in said property for the benefit of the bankruptcy estate. Such property is not necessary for an effective reorganization.

10. Good and sufficient cause exists in this case to modify the automatic stay of Section 362 for the reason that:

(a) Post-petition payments to Select Portfolio Servicing, Inc as servicer for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3 have not been paid by the Debtor.

(b) Select Portfolio Servicing, Inc as servicer for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3 does not have adequate protection for its interest in said real estate.

(c) If Select Portfolio Servicing, Inc as servicer for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3 is not permitted to foreclose its security interest in said real estate, it will suffer irreparable injury, loss and damage.

11. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Counsel for Debtor to the extent provided for under applicable nonbankruptcy law to discuss loss mitigation options including alternatives to foreclosure.

WHEREFORE, Movant prays that this Court terminate the automatic stay and co-debtor stay in regard to the realty in order to permit Movant, or its successors and assigns to proceed with foreclosure on the aforesaid property, to pursue its remedies under state law in connection with the aforesaid Deed of Trust and Note, and to pursue its remedies

under state law for possession of said property after foreclosure, to proceed with any foreclosure alternatives and for an order that the relief from the automatic stay is not stayed pursuant to Rule 4001 for fourteen (14) days. In the alternative, Movant prays that this Court dismiss this case for failure to abide by the terms and conditions of the Chapter 13 plan, and for such other relief as is appropriate and just.

Dated December 13, 2024

Respectfully Submitted:
Millsap & Singer, LLC

/s/ Pamela B. Leonard

Cynthia M. Kern Woolverton, #47698, #47698MO

Eva Marie Kozeny, #40448, #40448MO

Adam G. Breeze, #60920, #60920MO

William R. Avery, #68985, #68985MO

James Eric Todd, #64199, #64199MO

Pamela B. Leonard, #37027, #37027MO

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Attorneys for Select Portfolio Servicing, Inc as servicer for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In The Matter Of:)	
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David William Karvis)	Case Number: 20-40130-169
Debtor)	
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Select Portfolio Servicing, Inc as servicer)	Chapter 13
for U.S. Bank Trust Company, National)	
Association, as Trustee, as successor-in-)	
interest to U.S. Bank National Association,)	
successor trustee to LaSalle Bank National)	
Association, on behalf of the holders of)	
Bear Stearns Asset Backed Securities I)	
Trust 2007-HE3, Asset-Backed Certificates)	
Series 2007-HE3)	
Movant,)	

SUMMARY OF EXHIBITS

The following exhibits in reference to the Motion for Relief and Motion for Relief from Co-Debtor Stay have been electronically attached as Exhibits and are available upon request in their entirety.

- A. Note
- B. Deed of Trust
- C. Post Petition Payment History

Respectfully Submitted:
Millsap & Singer, LLC

/s/ Pamela B. Leonard

Cynthia M. Kern Woolverton, #47698, #47698MO

Eva Marie Kozeny, #40448, #40448MO

Adam G. Breeze, #60920, #60920MO

William R. Avery, #68985, #68985MO

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Attorneys for U.S. Bank Trust Company, National Association, as Trustee, as successor-in-interest to Select Portfolio Servicing, Inc as servicer for U.S. Bank National Association, successor trustee to LaSalle Bank National Association, on behalf of the holders of Bear Stearns Asset Backed Securities I Trust 2007-HE3, Asset-Backed Certificates Series 2007-HE3

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on December 13, 2024, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court pursuant to CM/ECF as set out on the Notice of Electronic filing as issued by the Court or in the alternative has been served by depositing a true and correct copy of same enclosed in a postage prepaid, properly addressed envelope, in a post office official depository under the exclusive care and custody of the United States Postal Service on those parties directed by the Court on the Notice of Electronic Filing issued by the Court as required by the Federal Rules of Bankruptcy Procedure and the Local Rules of the United States Bankruptcy Court.

/s/ Pamela B. Leonard

Electronic Mail Notice List

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

Timothy Patrick Powderly

Diana S. Daugherty

Office of the United States Trustee

Manual Notice List

The following is a list of parties who are not on the list to receive e-mail notices for this case (who therefore require manual noticing).

David William Karvis
1715 Crosby Lane
Florissant, MO 63031

Audra A. Karvis
1715 Crosby Lane
Florissant, MO 63031